

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TIMOTHY CHARLES
HOLMSETH,

Plaintiff,

v.

LEVI HENRY PAGE, et al.,

Defendants.

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No. 3:22-cv-00912

JUDGE RICHARDSON

ORDER

Plaintiff Timothy Charles Holmseth filed a rambling, ninety-page Complaint purportedly arising under the Racketeer Influenced and Corrupt Organizations Act. (Doc. No. 1.) The Court ordered Plaintiff to file an Amended Complaint that “includes simple, concise, and direct factual allegations sufficient to demonstrate a plausible, non-speculative right to relief.” (Doc. No. 4.) Thereafter, Plaintiff filed a largely incomprehensible, sixty-page Amended Complaint (Doc. No. 7) that plainly failed to comply with the Court’s Order. In an abundance of caution, the Court allowed Plaintiff one final opportunity to submit a Second Amended Complaint that complies with Federal Rule of Civil Procedure 8. Id.

In response, Plaintiff submitted a fifty-eight page Second Amended Complaint. (Doc. No. 14.) This significantly duplicative submission fares no better than Plaintiff’s prior pleadings. The Second Amended Complaint remains a prolix, difficult-to-comprehend narrative “heavily-laden with irrelevant discussion, sweeping conspiracy theories, and personal attacks.” (See Doc. Nos. 4, 10.) In short, the Second Amended Complaint does not include “simple, concise, and direct” factual allegations sufficient to demonstrate a plausible, non-speculative right to relief against any Defendant. Fed. R. Civ. P. 8. Rather, the rambling factual allegations and unexplained, interspersed

exhibits once again fall “well short of demonstrating a plausible right to relief against Defendants.”¹ (Doc. No. 10.)

The Second Amended Complaint is, therefore, subject to dismissal. Fed. R. Civ. P. 8. Moreover, the Court has now indulged Plaintiff with three opportunities to submit a pleading that passes muster under the Federal Rules, expressly advising that failure to comply would result in dismissal. (Doc. Nos. 4, 10.) Plaintiff, however, has not evinced a serious intent to comply with the Court’s Orders or submit a pleading that demonstrates a plausible, non-speculative right to relief. For these reasons, this case is **DISMISSED WITHOUT PREJUDICE**. This form of dismissal allows Plaintiff to initiate a new federal action regarding these or other matters, subject to all applicable rules (including Rule 8) and time limits.

IT IS SO ORDERED.


ELI RICHARDSON
UNITED STATES DISTRICT JUDGE

¹ Plaintiff has separately submitted two documents: (1) an apparent letter to former President Trump’s counsel (Doc. No. 12), and (2) a brief affidavit that appears to assert that Plaintiff has received threats from unnamed persons (Doc. No. 15). Neither aid the Second Amended Complaint.